

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

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Filed Sept. 6, 2005
in Open Court
USDC - WDA
T Smokey, Repld

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
LANNY BENJAMIN BODKINS)
ANTHOINE PLUNKETT)
Defendants.)
Criminal Action No. 4:04CR70083

SPECIAL FINDINGS FORM
DEFENDANT PLUNKETT
By: Hon. Glen E. Conrad
United States District Judge

I. **Age of Defendant**

- A. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count One?

YES NO

- B. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count Two?

YES NO

- C. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count Five?

YES ✓ NO _____

II. **Threshold Intent Factors**

A. Count One

1. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of

the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES NO _____

OR

2. As to Count One, do you the jury find beyond a reasonable doubt that Anthoine Plunkett intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES _____ NO _____

B. Count Two

1. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES NO _____

OR

2. As to Count Two, do you the jury find beyond a reasonable doubt that the defendant, Anthoine Plunkett, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES _____ NO _____

C. Count Five

1. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that

lethal force would be used in connection with a person, other than one of the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES NO _____

OR

2. As to Count Five, do you the jury find beyond a reasonable doubt that Anthoine Plunkett intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES _____ NO _____

If you answered "NO" with respect to all of the determinations in this Section II, then stop your deliberations, sign Decision Form A, and advise the court that you have reached a decision.

If you answered "YES" with respect to any one of the determinations in Section II, then proceed to Section III.

III. Statutory Aggravating Factors

A. Count One

1. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES NO _____

2. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES NO

B. Count Two

1. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES NO

2. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES NO

C. Count Five

1. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES NO

2. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES NO

If you answered "NO" with respect to all of the determinations in this Section III, then stop your deliberations, sign Decision Form B, and report this decision to the court.

If you answered "YES" with respect to any of the of the determinations in this Section III, then stop your deliberations, sign Decision Form C, and report this decision to the court.

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UNITED STATES OF AMERICA,)
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 v.) **SPECIAL VERDICT FORM**
) **DEFENDANT PLUNKETT**
)
 LANNY BENJAMIN BODKINS) By: Hon. Glen E. Conrad
 ANTHOINE PLUNKETT) United States District Judge
)
 Defendants.)

DECISION FORM A

We, the jury, as to Anthoine Plunkett, **do not** unanimously find proven beyond a reasonable doubt the existence of a threshold intent factor as to the killing of Tyree Wimbush and, therefore, do not consider the death penalty.

Foreperson Signature

Foreperson Name

Date

IN THE UNITED STATES DISTRICT COURT
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DECISION FORM B

We, the jury, as to Anthoine Plunkett, **do not** unanimously find proven beyond a reasonable doubt the existence of a statutory aggravating factor as to the killing of Tyree Wimbush and, therefore, do not consider the death penalty.

Foreperson Signature

Foreperson Name

Date

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 LANNY BENJAMIN BODKINS) By: Hon. Glen E. Conrad
 ANTHOINE PLUNKETT) United States District Judge
)
 Defendants.)

DECISION FORM C

We, the jury, as to Anthoine Plunkett, unanimously find proven beyond a reasonable doubt the existence of a threshold intent factor and at least one statutory aggravating factor as to the killing of Tyree Wimbush:

As to Count One YES ✓ NO _____
As to Count Two YES ✓ NO _____
As to Count Five YES ✓ NO _____


Foreperson Signature


Foreperson Name

9/6/2005
Date